

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

**Subpart N—[Amended]**

■ 7. The authority citation for subpart N of part 416 continues to read as follows

**Authority:** Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 8. In § 416.1436, revise the reference in paragraph (h) from the “first sentence of paragraph (c)” to the “first sentence of paragraph (c)(1)” and revise paragraph (c) to read as follows:

**§ 416.1436 Time and place for a hearing before an administrative law judge.**

\* \* \* \* \*

(c) *Determination how appearances will be made.* In setting the time and place of the hearing, we will consider the following:

(1) We will consult with the administrative law judge to determine the status of case preparation and to determine whether your appearance, or the appearance of any other party to the hearing, will be made in person or by video teleconferencing. The administrative law judge will determine that your appearance, or the appearance of any other party to the hearing, be conducted by video teleconferencing if video teleconferencing equipment is available to conduct the appearance, use of video teleconferencing to conduct the appearance would be more efficient than conducting the appearance in person, and the administrative law judge determines there is no circumstance in the particular case that prevents the use of video teleconferencing to conduct the appearance. You or any other party to the hearing may request to appear at the hearing by telephone. The administrative law judge will allow you or any other party to the hearing to appear by telephone if the administrative law judge determines that extraordinary circumstances prevent you or the other party who makes the request from appearing at your hearing in person or by video teleconferencing.

(2) The administrative law judge will determine whether any person, other than you or any other party to the hearing, including a medical expert or a vocational expert, will appear at the hearing in person, by video teleconferencing, or by telephone. If you or any other party to the hearing objects to any other person appearing by video teleconferencing or by telephone, the administrative law judge will decide,

either in writing or at the hearing, whether to have that person appear in person, by video teleconferencing, or by telephone. The administrative law judge will direct a person, other than you or any other party to the hearing if we are notified as provided in paragraph (e) of this section that you or any other party to the hearing objects to appearing by video teleconferencing, to appear by video teleconferencing or telephone when the administrative law judge determines:

- (i) Video teleconferencing or telephone equipment is available,
- (ii) Use of video teleconferencing or telephone equipment would be more efficient than conducting an examination of a witness in person, and
- (iii) The administrative law judge determines there is no other reason why video teleconferencing or telephone should not be used.

\* \* \* \* \*

■ 9. In § 416.1438, revise paragraph (b) to read as follows:

**§ 416.1438 Notice of a hearing before an administrative law judge.**

\* \* \* \* \*

(b) *Notice information.* The notice of hearing will contain a statement of the specific issues to be decided and tell you that you may designate a person to represent you during the proceedings. The notice will also contain an explanation of the procedures for requesting a change in the time or place of your hearing, a reminder that if you fail to appear at your scheduled hearing without good cause the administrative law judge may dismiss your hearing request, and other information about the scheduling and conduct of your hearing. You will also be told if your appearance or that of any other person is scheduled to be made in person, by video teleconferencing, or, for a person other than you or any other party to the hearing, by telephone. If we have scheduled you to appear at the hearing by video teleconferencing, the notice of hearing will tell you the scheduled place for the hearing is a video teleconferencing site and explain what it means to appear at your hearing by video teleconferencing. The notice will also tell you how you may let us know if you do not want to appear by video teleconferencing and want, instead, to have your hearing at a time and place where you may appear in person before the administrative law judge. The notice will also tell you that you may ask us if you want to appear by telephone, and that the administrative law judge will grant your request if he or she determines that extraordinary circumstances prevent you from

appearing in person or by video teleconferencing.

\* \* \* \* \*

■ 10. In § 416.1450, revise paragraphs (a) and (e) to read as follows:

**§ 416.1450 Presenting evidence at a hearing before an administrative law judge**

(a) *The right to appear and present evidence.* Any party to a hearing has a right to appear before the administrative law judge, either in person, or, when the conditions in § 416.1436(c)(1) exist, by video teleconferencing or telephone, to present evidence and to state his or her position. A party may also make his or her appearance by means of a designated representative, who may make the appearance in person, or, when the conditions in § 416.1436(c)(1) exist, by video teleconferencing or telephone.

\* \* \* \* \*

(e) *Witnesses at a hearing.* Witnesses may appear at a hearing in person or, when the conditions in § 416.1436(c)(2) exist, by video teleconferencing or telephone. They will testify under oath or affirmation unless the administrative law judge finds an important reason to excuse them from taking an oath or affirmation. The administrative law judge may ask the witness any questions material to the issues and will allow the parties or their designated representatives to do so.

\* \* \* \* \*

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 53**

[REG–106499–12]

RIN 1545–BL30

**Community Health Needs Assessments for Charitable Hospitals; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to a notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking that was published in the **Federal Register** on Friday, April 5, 2013. The proposed regulations provide guidance to charitable hospital organizations on the community health needs assessment requirements, and related excise tax and reporting obligations, enacted as part of the

Patient Protection and Affordable Care Act of 2010. These proposed regulations also clarify the consequences for failing to meet these and other requirements for charitable hospital organizations.

**FOR FURTHER INFORMATION CONTACT:** Amy F. Giuliano at (202) 622-6070 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The notice of proposed rulemaking (REG-106499-12) that is the subject of these corrections provides guidance to charitable hospital organizations under sections 501(r), 4959, 6012, and 6033 of the Internal Revenue Code.

**Need for Correction**

As published April 5, 2013 (78 FR 20523), the notice of proposed rulemaking (REG-106499-12) contains errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

Accordingly, the notice of proposed rulemaking (REG-106499-12), that was the subject of FR Doc. 2013-07959, is corrected as follows:

1. On page 20523, in the preamble, column 3, under the paragraph heading "Paperwork Reduction Act", line 3 from the top of the paragraph, the language "Return of Organization Exempt from" is corrected to read "Return of Organization Exempt From".

2. On page 20526, in the preamble, column 2, under the paragraph heading "e. Activities Unrelated to the Operation of a Hospital Facility", lines 11 and 12 of the first full paragraph, the language "organization operates. Similarly, section 1.501(r)-2 of these proposed regulations" is corrected to read "organization operates. Similarly, § 1.501(r)-2 of these proposed regulations".

3. On page 20537, in the preamble, column 3, under the paragraph heading "Special Analyses", line 9 from the top of the page, the language "§ 1.501(r)-3 and § 1.6033-2(a)(2)(ii)(l) of" is corrected to read "Effective/Applicability Dates", line 9 from the top of the page, the language "§ 1.501(r)-3 and § 1.6033-2(a)(2)(ii)(l) of".

4. On page 20537, in the preamble, column 3, under the paragraph heading "Special Analyses", line 3 of the second full paragraph, the language "2(a)(2)(ii)(l) of the regulations requires" is corrected to read "2(a)(2)(ii)(l) of the regulations requires".

**PART 26 [CORRECTED]**

**§ 1.501(r)-1 [Corrected]**

■ 5. On Page 20539, column 1, paragraph (c)(3), the last sentence of the paragraph, the language "In addition, a partnership agreement includes provisions of Federal, state, or local law, as in effect before March 23, 2010, that govern the affairs of the partnership or are considered under such law to be part of the agreement." is corrected to read "In addition, a partnership agreement includes provisions of federal, state, or local law, as in effect before March 23, 2010, that govern the affairs of the partnership or are considered under such law to be part of the agreement.".

**§ 1.6012-3 [Corrected]**

■ 6. On page 20543, column 3, paragraph (a)(10) in the heading, the language "Hospital organizations organized as trust with noncompliant hospital facilities." is corrected to read "Hospital organizations organized as trusts with noncompliant hospital facilities.".

**Alvin Hall,**

*Assistant Director, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 100 and 165**

[Docket No. USCG-2012-0970]

**RIN 1625-AA00, AA08**

**Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is issuing a final rule that revises the list of special local regulations and safety zones established for recurring marine events and fireworks displays at various locations within the geographic boundary of the Fifth Coast Guard District. This adds 15 new annual recurring marine events and fireworks display locations; it revises event date(s) and coordinates for 31 previously established locations within the geographic boundary of the Fifth Coast

Guard District. This rule also deletes 21 previously listed marine events, fireworks displays and corresponding regulated areas that no longer occur. Entry into or movement within the regulated areas during the enforcement periods is prohibited without approval of the appropriate Captain of the Port.

**DATES:** This rule is effective June 20, 2013.

**ADDRESSES:** Documents mentioned in this preamble are part of docket [USCG-2012-0970]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email, Dennis Sens, Prevention Division, Fifth Coast Guard District; telephone (757) 398-6204, email [Dennis.M.Sens@uscg.mil](mailto:Dennis.M.Sens@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

Previously, the special local regulations listed in 33 CFR 100.501 were amended in the January 19, 2012, issue of the **Federal Register** (77 FR 2632). The purpose of the rulemaking was to revise the Table to 33 CFR 100.501 by adding new annual recurring marine events, modifying event dates for previously established locations within the geographic boundary of the Fifth Coast Guard District; and deleting previously listed marine events and corresponding regulated areas that no longer occur.

The safety zones at 33 CFR 165.506 were previously amended in the March 23, 2012, issue of the **Federal Register** (77 FR 16932). The Coast Guard revised the list of permanent safety zones in the Table to 33 CFR 165.506, for recurring fireworks displays, by adding new locations, deleting previously established locations and modifying